

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 2 - 1
Yeas:	Cowan, Gelser, Kotek, Tomei
Nays:	Gilliam, Maurer
Exc.:	Olson
Prepared By:	Andy Smith, Administrator
Meeting Dates:	2/19, 3/19, 4/06

WHAT THE MEASURE DOES: Amends Oregon Family Leave Act (OFLA) to allow employees to use paid accrued sick leave when taking family leave. Extends paid sick leave availability to all four main categories of OFLA.

ISSUES DISCUSSED:

- Current eligibility standards under OFLA
- History of OFLA
- Practices in other states

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Oregon Family Leave Act, passed by the 1995 Legislature, requires employers of 25 or more employees to provide their workers with job-protected family leave in the following cases: (1) parental leave during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability (includes leave to complete the legal process required for foster placement or adoption); (2) serious health condition leave for the employee's own serious health condition, or to care for a spouse, parent, child, parent-in-law, or same-sex domestic partner with a serious health condition; (3) pregnancy disability leave taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of the child, or for prenatal care; (4) sick child leave taken to care for an employee's child with an illness or injury that requires home care but is not a serious health condition.

The accrual and use of sick leave, as well as vacation days, holidays, and other fringe benefits, is entirely a matter of employer policy. Oregon law does not require employers to provide employees with paid time off or with other employee benefits such as health insurance coverage. If employers do offer sick leave, vacation days, holiday time off, holiday pay, or other benefits, the employer is generally free to establish the rules regarding the employee's use of the benefits.

Under OFLA's current language, family leave is unpaid, but employees are entitled to use any accrued paid vacation; employees who take leave to care for a newborn, newly adopted child or newly placed foster child are entitled to use any accrued paid sick leave as well as vacation leave. House Bill 2485 would allow employees to use paid sick leave for any job-protected family leave under OFLA.